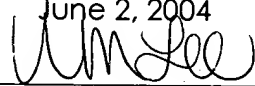


Patent Docket P1256R3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Virginia E. Paton et al. Serial No.: 09/209,023 Filed: December 10, 1998 For: TREATMENT WITH ANTI-ErbB2 ANTIBODIES	Group Art Unit: 1642 Examiner: Anne Holleran Confirmation No: 8941 CUSTOMER NO: 09157 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2004  Wendy M. Lee
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NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals and Interferences from the decision dated January 2, 2004, of the Primary Examiner finally rejecting claims 1, 4-9, 12-13 and 34-38.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$330 to cover the fees for this appeal and to charge the deposit account for any further fees in regard to this patent application. **A duplicate copy of this Notice is enclosed for this purpose.**

Date: June 2, 2004

Respectfully submitted,

GENENTECH, INC.

By: 

Wendy M. Lee

Reg. No. 40,378

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